

Message Text

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TO AMEMBASSY KABUL

INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS:UNGA, AF

SUBJ: TABIBI CANDIDACY FOR INTERNATIONAL LAW COMMISSION

REF: KABUL 1754

1. CASUAL ELECTIONS TO FILL SEATS ON THE INTERNATIONAL LAW COMMISSION BETWEEN ELECTION TO FIVE YEAR TERMS BY THE UNGA ARE MADE BY THE ILC ITSELF. THE MEMBERS OF THE COMMISSION, IN THIS AS IN ALL OTHER RESPECTS, ARE NOT TO ACT AS INSTRUCTED REPRESENTATIVES OF GOVERNMENTS BUT AS INDIVIDUAL EXPERTS. ACCORDINGLY, THE QUESTION OF USG SUPPORT FOR TABIBI'S OR ANY OTHER CANDIDACY DOES NOT ARISE.

2. FYI. THE "EXCEPTIONAL REASONS" TO WHICH THE AFGHAN NOTE REFERS ARE THESE. WHILE, UNDER A "GENTLEMAN'S AGREEMENT" WHICH THE UNGA IS VIEWED AS HAVING ADOPTED YEARS AGO, ASIA IS ENTITLED TO FIVE SEATS AND AT THE 1976 ELECTION RECEIVED ONLY FOUR, A KEY REASON FOR
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THIS RESULT WAS THE FAILURE OF THE ASIAN UNGA PRESIDENT, AMERASINGHE, TO SUPPORT THE GENTLEMAN'S AGREEMENT, AND THE FAILURE OF THE ASIAN AND AFRICAN REGIONAL GROUPS, IN CONTRAST WITH THE OTHERS, TO SUPPORT IT. NEVERTHE- LESS, THE U.S. MEMBER OF THE ILC WILL GIVE THE FULLEST

CONSIDERATION TO TABIBI'S CANDIDACY AS WELL AS THAT OF

OTHER QUALIFIED CANDIDATES. END FYI.

3. SUGGEST YOU REPLY TO AFGHAN NOTE THAT, WHILE USG
IS UNABLE TO GIVE AN ASSURANCE OF SUPPORT FOR DR.
TABIBI OR ANY OTHER CANDIDATE, SINCE AT A CASUAL
ELECTION THE ILC'S MEMBERS ACT AS UNINSTRUCTED EXPERTS,
IT HAS TRANSMITTED THE AFGHAN NOTE TO THE U.S. NATIONAL
WHO IS A COMMISSION MEMBER. YOU MAY WISH TO ADD THAT
THE USG AND HE HAVE THE FULLEST APPRECIATION OF DR.
TABIBI'S QUALIFICATIONS.
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Message Attributes

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Sent Date: 16-Mar-1977 12:00:00 am
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Disposition Case Number: n/a
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